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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,653	12/02/2003	Chien-Jung Huang	252011-1830	4518

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THOMAS, KAYDEN, HOSTEMEYER & RISLEY LLP  
100 GALLERIA PARKWAY  
SUITE 1750  
ATLANTA, GA 30339

EXAMINER

JARRETT, RYAN A

ART UNIT PAPER NUMBER

2125

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/725,653

Applicant(s)

HUANG ET AL

Examiner

Ryan A. Jarrett

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 12-15 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/2/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims 12-15 drawn to an invention nonelected with traverse. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Applicant's election with traverse of claims 1-8 in the reply filed on 4/8/05 is acknowledged. The traversal is on the ground(s) that the apparatus in Group I cannot be used to practice another materially different process. This is not found persuasive because the apparatus of Group I does not require that the method steps of Group III be used. The apparatus of Group I (**as currently claimed**) can be used in a methodology that does not require "selecting one of the load ports and one of the branches to deliver the articles in accordance with the status of the selected tool, the load parts, and the load ports". Although the method of Group III may require the system of Group 1, only one-way restriction is required in this case.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5).

In Fig. 3, reference number 25b should be changed to 22b, since this points to the load port.

In Fig. 3, a new reference number 25b should be inserted that points to the upper load part branch.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 3, 4, 7, and 8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

For example, claim 1 narrowly recites load ports that enable articles to be transferred between the stocker body and the "track subsystem", whereas claim 3 broadly recites a load port enabling the articles to be transferred between the stocker body and an "outside system". Claim 4 then recites that the load port enables articles to

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be transferred between the stocker and the "track subsystem" – a feature that was already claimed in claim 1.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claims recite, "a plurality of load ports...the number of which depends on properties of the tools".

The specification does not enable how the number of load ports is dependent on the properties of the tools. The specification merely states on page 6, "In practice, the number and arrangement of load ports on stocker body 21 depend on factors such as...tool properties". But the specification does not detail how exactly the number of load ports depend on the tool properties. So it is unclear how one would be enabled to construct such a stocker body with a number of load ports dependent of "tool properties".

Claims 2-3 and 6-8 depend from claims 1 and 5 and incorporate the same deficiencies.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by Admitted Prior Art. The claim language has not distinguished over the Admitted Prior Art (Fig. 1, pages 1-2 of Applicant's specification). For example, Admitted Prior Art teaches:

A transport system within a fabrication system, the fabrication system comprising a plurality of tools for processing articles, the transport system comprising a stocker and a track subsystems, wherein: the stocker subsystem comprises: a stocker body for storing the articles (e.g., Fig. 1 #13); a plurality of load ports (e.g., Fig. 1 #131a, #131b), located on the stocker body, enabling the articles to be transferred between the stocker body and the track subsystem, the number of which depends on properties of the tools (this feature does not limit or further define the actual structure of the system); and the track subsystem comprises a delivery part (e.g., Fig. 1 #12) and a load part, said load part comprising a plurality of branches (e.g., Fig. 1 #131a, #131b) corresponding to the load ports.

The transport system as claimed in claim 1, wherein the articles are semiconductor wafers (page 1 lines 9-15).

In this case, reference numerals 131a and 131b of Fig. 1 correspond to both the stocker body "load ports" and the track "load part branches". Since these items are connected to both the stocker body and the track, the portion of the item connected to the stocker body corresponds to the claimed "load port" and the portion of the item connected to the track corresponds to the claimed "load part branches". There is a one-to-one correspondence between the load ports and the load part branches.

#### ***Allowable Subject Matter***

8. The examiner has been thus far unable to find prior art that teaches the features explicitly disclosed in Fig. 2, for example, of the applicant's specification. Thus, if the claims were amended to explicitly define the relationship between the delivery part (24a, 24b), the load part branches (25a, 25b), and the load ports (22a, 22b, 23a, 23b) as depicted in Fig. 2, then the claims would be potentially allowable.

Also, if the claims were amended in this fashion (for both Group I and Group III), then the restriction requirement could be potentially withdrawn, since the apparatus depicted in Fig. 2 would most likely require the method of Group III. Group III would also require an amendment indicating that the method steps are "computer-implemented" or "automated" in order to be in compliance with **35 U.S.C. 101**, particularly the second "selecting" step.

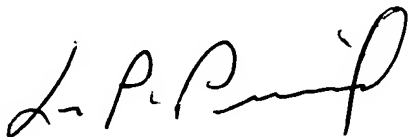
And cancelled claims 9-11 could be potentially rejoined as well if the appropriate amendment is made to these claims, to explicitly include the features of Fig. 2.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (571) 272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ryan A. Jarrett  
Examiner  
Art Unit 2125

4/21/05

**LEO PICARD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**